IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE.

WRIT PETITION NO. 1831 OF 2001

Walmik Dhondiram Bhise & ors ..... Petitioner.

versus

The Special Land Acquision
Officer No.4, Satara and ors. ..... Respondents.

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Shri N.J.Patil for the petitioner.
Shri S.K. Chinchalikar AGP for State - Respondents 1 to 4.

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CORAM ; V.G.PALSHIKAR &
MRS. RANJANA DESAI, JJ.

DATED; 23RD AUGUST, 2004.

P.C.;

1. By this petition, the petitioner has challenged the Notification under sections 4 and 6 of the Land Acquisition Act 1894 basically on the ground that the proceedings for acquisition are for rehabilitation of project affected persons and therefore provisions of the Maharashtra Propject Affected Persons Rehabilitation Act 1986 are attracted. The acquisition though under the Land Acquisition Act cannot exceed the Resolution laid down by section 16 of the Act.

2. It is not in dispute that Notification under section 11 of the Project Affected Persons

Rehabilitation Act has issued. Issuance of a Notification under sections 4 and 6 is also not in dispute. There is no contravention of any contention of the fact alleged by the petitioner. The petitioner contends that his total holdings is 46 ares in ghat no.928 and 31 ares in ghat no. 424. The total holdings is therefore 77 ares. Section 16 of the Rehabilitation Act 1986 prohibits acquisition of land more than two ares. The contention of the petitioner is that the land is only 77 ares is not disputed anywhere. In the result therefore the petition succeeds and is liable to be allowed only to the extend of holdings of the petitioner in Ghat no.928 measuring 46 ares and ghat no.424 measuring 31 ares. We make it clear that except for deletion of these two survey nos. from the proceeding, notification under sections 4 and 6 are legal and the proceedings in relation to those land except the ones mentioned above can go on. This petition is accordingly disposed of.

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